



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: December 9, 2009
AGENDA DATE: December 16, 2009
PROJECT ADDRESS: 101 W. Canon Perdido Street (MST2009-00397)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DK*
 Kathleen Kennedy, Associate Planner, LEED AP *KK*

I. PROJECT DESCRIPTION

The project consists of a proposal to divide a 1.73 acre lot into two lots and to convert an existing 67,947 square foot commercial building, currently used as a Verizon office/ switching facility, into four commercial condominium units. Proposed Lot 1 would be 1.14 acres and would include the existing commercial building and 25 parking spaces. Proposed Lot 2 would be 0.59 acres and would include 77 parking spaces. The 31,000 square feet of available non-residential floor area would be allocated to Proposed Lot 2, for future development of the parking lot site.

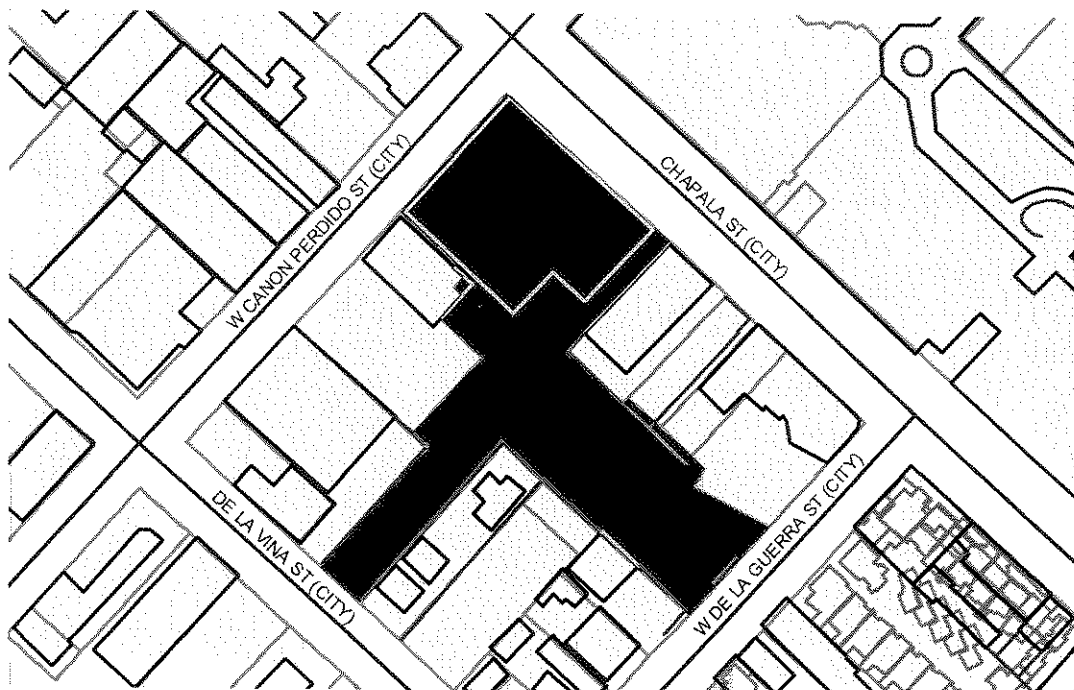
The intent of the proposal is to facilitate the disposal of surplus property owned by Verizon California, Inc. Verizon would retain Unit 1 as a switching facility in the commercial building and the other units would be sold. In order to convert the existing building to condominium units, an accessible path of travel from the public sidewalk into the first floor lobby area is required; therefore, the proposal includes a new ADA accessible lift at the Chapala Street entry. Compliance with the Chapala Street Design Guidelines requires that a bulb-out be constructed at the corner of W. Canon Perdido Street and Chapala Street.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Tentative Subdivision Map to divide one lot into two lots and to create four (4) commercial condominium units on Proposed Lot 1 (SBMC§27.07).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: November 20, 2009
DATE ACTION REQUIRED PER MAP ACT: February 18, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Michael Morgan, Blu Croix, LTD	Property Owner: Verizon California, Inc,
Parcel Number: 037-042-036	Lot Area: 1.73 acres (75,134 square feet)
General Plan: General Commerce	Zoning: C-2, Commercial
Existing Use: Verizon Switching Facility	Topography: Flat
Adjacent Land Uses: Commercial	
North - Commercial	East - Commercial
South - Commercial	West - Commercial

B. PROJECT STATISTICS (SQUARE FEET)

	Basement	1st Floor	2nd Floor	3rd Floor	4th Floor/ Roof	Total
Unit 1 (Verizon)	7,860	14,110	14,543	1,118		37,631
Unit 2		4,058				4,058
Unit 3			5,026			5,026
Unit 4				8,740		8,740
Common Area (Interior)	255	2,331	1,888	2,262	2,441	9,177
Limited Common Area (Interior)	2,600	676	39			3,315
Total	10,715	21,175	21,496	12,120	2,441	67,947

The project includes common areas that are either for use by all owners of the commercial condominium units (Common Area, Interior and Exterior) or only by Unit 1 (Limited Common Area, Interior and Exterior). The Common Area (Exterior) and Limited Common Area (Exterior) square footages are not included in the table above but are shown on the project plans.

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks	None	N/A	No change
Building Height	4 stories, 60'	Approx. 60' at highest roofline	No change
Parking	90	102	No change

The proposed project would meet all applicable requirements of the C-2, Commercial Zone. The lot split would result in the majority of the required parking to be on Proposed Lot 2. The Zoning Ordinance allows parking to be provided on a different lot as long as it meets the distance requirements and an off-site parking agreement is executed and recorded to the satisfaction of the City. Also, an access easement would be provided because the parking lot circulation on Proposed Lot 2 requires that vehicles cross over Proposed Lot 1.

VI. ISSUES

A. PREVIOUS PROJECT

In 2006, Verizon California, Inc. received approval of a project that consisted of a voluntary lot merger of ten legal lots into two lots and a subsequent lot line adjustment between the two resulting lots. The existing Verizon building was located on Parcel 1 and the Annex building (115 W. Canon Perdido Street) was located on Parcel 2. Improvements for Parcel 1 included the reconfiguration of the parking lot to accommodate one additional handicapped space and additional landscaping. The intent of the lot merger and lot line adjustment was to facilitate the disposal of surplus property owned by Verizon California, Inc.

After the lot merger and lot line adjustment, it was calculated that Parcel 1 had 31,000 square feet of available non-residential floor area (10,402 square feet from the Vacant category; 6,986 square feet from the Minor Addition category; and 13,612 square feet from the Small Addition category) and Parcel 2 had 9,402 square feet of available non-residential floor area (3,000 square feet from the Vacant category; 2,014 square feet from the Minor Addition category; and 4,388 square feet from the Small Addition category). Parcel 2 was subsequently sold.

B. DESIGN REVIEW

The project was reviewed by the Historic Landmarks Commission (HLC) on November 11, 2009. The exterior changes consist of a new ADA access system at the front entry on Chapala Street and compliance with the Chapala Street Design Guidelines. The plans will be revised to address the HLC comments concerning the front entry railings, the ADA access system, and landscaping.

C. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The project site is located in the Downtown neighborhood, which is bounded on the north by Sola Street, on the south by Ortega Street, on the east by Santa Barbara Street, and on the west by De la Vina Street. The General Plan designation is General Commerce and the proposal to convert the existing commercial building into four commercial condominium units would comply with the General Plan. Additionally, any future development planned for Proposed Lot 2 would be required to comply with the General Plan.

D. ENVIRONMENTAL REVIEW

Staff has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15315 (Minor Land Divisions).

VII. FINDINGS

The Staff Hearing Officer finds the following:

TENTATIVE SUBDIVISION MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed development and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated December 3, 2009

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

101 W CANON PERDIDO STREET
TENTATIVE SUBDIVISION MAP
DECEMBER 16, 2009

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Recorded Conditions Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on December 16, 2009 is limited to a lot split, four (4) commercial condominium units and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
 4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is responsible for its immediate replacement.
 5. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Spaces Available for Parking.** A covenant that includes a requirement that all parking spaces be kept open and available for the parking of vehicles in the manner for which the spaces were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- B. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
- 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:

A reciprocal access easement in gross for vehicles and pedestrians for all properties associated with this subdivision.
 - 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 4. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.

5. **Chapala Street Public Improvements.** The Owner shall submit separate C-1 plans for construction of improvements along the property frontage on Chapala Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following *including improvements outlined in the Chapala Street Guidelines*: grind or saw cut and replace all cracked and/or uplifted sidewalk and damaged curb and gutter, slurry seal the entire width of the street if any trenching occurs in recent overlay, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations for installation of curb drain outlets, supply and install directional/regulatory traffic control signs per the most recent CA MUTCD during construction, retire all existing street lamps from power poles and replace with Chapala Street style street lights, new street trees and tree grates for all empty tree wells per approval of the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
6. **Canon Perdido, De La Vina & De La Guerra Streets Public Improvements.** The Owner shall submit building plans for construction of improvements along the property frontage on Canon Perdido, De la Vina & De la Guerra Streets. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: grind or saw cut and replace all cracked and/or uplifted sidewalk and damaged curb & gutter, driveway apron modified to meet Title 24 requirements as determined by Public Works Inspector, slurry seal the entire width of the street if any trenching occurs in recent overlay, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the most recent CA MUTCD during construction, retire all existing street lamps from power poles and replace with City standard Dome Style street lights, new street trees and tree grates for all empty tree wells per approval of the City Arborist, and provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.
7. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
8. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
9. **Off-Site Parking Agreement Required.** The Owner shall provide off-site parking to meet the parking requirement. Said agreement shall be prepared consistent with the provisions outlined in SBMC§28.90.001.R.

- C. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
1. **Submittal for Recordation of Parcel Map and Agreements.** Owner shall submit application for approval and recordation of the Parcel Map to the Public Works Department.
 2. **Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit.** Upon acceptance of the approved public improvement plans, a Public Works Permit shall be issued concurrently with a Building Permit.
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines and per the most recent CA MUTCD. Traffic Control Plans are subject to approval by the Public Works Department/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.
- D. **Community Development Requirements with Building Permit or Public Works Permit Application.** The following shall be submitted with the application for any Building Permit or Public Works Permit and finalized prior to issuance of any Building or Public Works Permit:
1. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building Permits:
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission.
 2. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 2. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 4. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.
 5. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Cesar Chavez Day	March 31st*
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

6. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
7. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
8. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name,

contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.

9. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- G. **Prior to Certificate of Occupancy for the Condominium Conversion Permit.** Prior to issuance of the Certificate of Occupancy for the Building Permit, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement and building plans, including utility service undergrounding and installation of street trees.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section E have been recorded.
 5. **Parcel Map Approved.** The Parcel Map shall be approved by City Council.
- H. **After Certificate of Occupancy:** The following conditions shall be completed after issuance of the Certificate of Occupancy for the Building Permit has been completed.
1. **Parcel Map Recordation.** The Parcel Map shall not be recorded until the Certificate of Occupancy for the Building Permit has been issued.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within

thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire three (3) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.



BLU CROIX LTD.

3961 Blackbird Way Calabasas, California 91302

818 222 8511

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DEC 03 2009

CITY OF SANTA BARBARA
PLANNING DIVISION

Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102

03 December 2009

**RE: 101 W Canon Perdido Street, MST# 2009-00397, APN#037.042.036
Proposed Subdivision and Commercial Condominium**

Dear Staff Hearing Officer:

Please accept this letter on behalf of Verizon California Inc., a California corporation ("Verizon"), as it pertains to the submittal of the subject application for your review and consideration. The proposal involves the entire Verizon property located at 101 W Canon Perdido Street. Following is detailed information regarding the subject property, the proposed request, and the application process undergone with the City of Santa Barbara to date.

Property Information

Description

The subject property contains +/- 1.73 acres (+/- 75,134 sq. ft.) of land area. Same is comprised of one legal lot (APN 037.042.36). Legal description is as provided on attached Exhibit "A" by Fidelity National Title Company. The subject property is zoned C-2 Commercial, and is located in the Central Business District.

Existing Land Use

Verizon has owned the subject property for +/- 80 years. It is improved with one existing building (a telecommunications switching facility - Central Office or C.O.), staging and loading areas, and uncovered parking.

The C.O. building is a three-story structure, with basement, containing +/- 67,947 sq. ft. of floor space. It is essentially fully dedicated to switching equipment that forwards, receives, and routes voice, data and information traffic. It also provides enhanced services such as call forwarding, conference calling, caller ID, etc. The majority of the building is dedicated to telecommunication panels, racks, power systems (battery and backup), monitoring systems, cabling and other related equipment. Approximately 26% (+/- 17,824 sq. ft.) of the floor area is dedicated to office space.

There are currently 102 parking stalls located at the subject site. Access to the parking area is provided via Chapala Street, De La Guerra Street, and De La Vina Street. There is no direct vehicular access provided by Canon Perdido Street. Please see the attached survey (Exhibit "B") for illustration.

Adjacent Land Uses

The subject property is located in the Central Business District. The subject and surrounding properties are zoned C-2 Commercial. Adjacent land uses include:

- North (across Canon Perdido Street): Restaurant, Auto Service, Retail
- East (across Chapala Street): Retail (Paseo Nuevo)
- South (along Chapala Street): Telecommunications service, Retail
- West (along Canon Perdido Street): Office/commercial

Project History

The subject site was involved in a Lot Line Adjustment and Voluntary Lot Merger application submitted in 2005 (the "LLA/VLM"). The goal of the LLA/VLM was to adjust the previously existing lot configuration to result in two independent legal lots: the subject site at 101 W Canon Perdido Street and the adjacent property at 115 W Canon Perdido Street (the 115 W Canon Perdido Street site has since been sold to another party).

Along with the legal reconfiguration of the property boundaries, physical changes at the site to accommodate the LLA/VLM were required. Said improvements affecting the subject (101 W Canon Perdido) site include:

- Modification of the parking lot to provide independent parking (the 102 existing stalls at the subject site as a result)
- Installation of new landscaping to conform with City Code requirements
- Adoption and implementation of a stormwater management plan and modified drainage patterns to conform with current standards and guidelines

The foregoing improvements were reviewed, approved, installed, and completed as part of the LLA/VLM project. Same remain intact currently and are proposed to remain essentially unaffected by this application. In addition, as part of the LLA/VLM, a Memorandum of Understanding was drafted, approved, and recorded (Inst No. 2007-0075810) that identified 31,000 square feet of available development rights for the subject property.

Basis for the Application

Tentative Parcel Map/Commercial Condominium

As a regulated entity, Verizon focuses on operating in an efficient and cost effective manner, thereby assuring that the ratepayer's interests are best served. Part of this process involves ensuring that Verizon is not carrying or retaining property that is not necessary for the purpose of rendering telecommunication and related services. Some vacant property is retained at certain sites to accommodate future growth. However, at the subject location, after extensive study, surplus property has been identified that is not required for current operations, nor is it necessary to be retained for future expansion. Therefore, by completing the tentative parcel map, and subsequent commercial condominium, Verizon will be able to dispose of surplus property, allowing it to operate more efficiently and cost effectively (by eliminating overhead and carrying costs).

Tentative Parcel Map – for subdivision and condominium purposes

The proposed tentative parcel map configuration was developed based on:

- Sustaining the efficient use of the existing switching facility
- Creating the ability to convert the floor space of the existing building into commercial condominium units
- Creating the ability to dispose (sell) the underutilized portion of the property thereby creating the opportunity for future re-use/infill development

As such, the proposed tentative parcel map (as illustrated in the submitted plans) will result with the following layout:

- **Proposed “Lot 1” – containing +/- 49,658 sq. ft. (+/- 1.14 acres) of land area.**
Same will contain the Central Office building and adjacent parking and access/circulation areas. Ingress to and egress from proposed Lot 1 will be via the existing driveways and curb cuts leading to and from Chapala Street and De La Vina Street. Twenty-five of the existing parking stalls at the site are located on proposed Lot 1.
- **Proposed “Lot 2” – containing +/- 25,700 sq. ft. (+/- 0.59 acres) of land area.**
Same will contain the existing parking area spanning south from Proposed Lot 1 to De La Guerra Street. Ingress to and egress from proposed Lot 2 will be via the existing driveways and curb cuts leading to and from De La Guerra Street. Seventy-seven of the existing parking stalls at the site are located on proposed Lot 2.

The proposed lot configuration conforms to the applicable guidelines contained in the C-2 Commercial Zoning Ordinance. The proposed parking area layouts were created in accordance with City of Santa Barbara Municipal Code Section 28.90, detailed as follows:

- Total parking stalls required: 90 (see below calculation)
- Total parking stalls provided: 102 (existing)
 - Pursuant to Chapter 28.90.100.D.3 and 28.90.100.J.1, 70% of the required parking (1 stall per 500 sq. ft. of floor area), less 5% zone of benefit, is to be provided:
$$[(64,947/500) \times .70] \times .95 = 90.37, \text{ rounded to 90 stalls}$$
- Proposed Lot 2 would exist as off-site parking for the 101 W Canon Perdido Building
 - Pursuant to Chapter 28.90.001.R:

Required off street parking spaces shall be located on the same lot as the use served, or for office, commercial, industrial and mixed use developments only, on a lot within a walking distance of five hundred (500) feet.

 - The furthest corners of proposed Lot 2 from the 101 W Canon Perdido building are within the maximum allowed 500' distance, therefore, proposed Lot 2 qualifies as an off-site parking option for the building.

○ Chapter 28.90.001.R.1 requires that:

1. An agreement, in a form satisfactory to the City Attorney, shall be executed and recorded by each owner of the lot on which the parking is to be provided and each owner of the lot on which the use the off site parking spaces are to serve is located. The agreement may be in the form of an easement, covenant running with the land, or other satisfactory agreement, and shall provide that the off site parking spaces shall be maintained so long as the use they are intended to serve is maintained. The agreement shall not be amended, modified or rescinded without the prior written consent of the City.
- It is Verizon's intent, upon approval of the tentative parcel map and in conjunction with the recording of the final map, to prepare and execute a covenant and deed restriction for proposed Lot 2 to preserve the 65 parking stalls, and access thereto, required for the 101 W Canon Perdido building (90 stalls total required, 25 exist on proposed Lot 1, leaving a balance of 65 required on proposed Lot 2). Said covenant and deed restriction would be recorded on Lot 2 upon the recording of the Parcel Map, prior to the issuance of any building permit or certificate of occupancy.
- In addition to the Code required agreement, it is Verizon's intent to create reciprocal access over and across proposed Lot 1 to accommodate the existing configuration of the parking area on proposed Lot 2 (as depicted on the submitted Tentative Map "TP-1"). Any additional covenants/agreements/easements required to address access, maintenance, etc., will be created as part of the final map or by separate document, to be recorded in conjunction with the final map.

The purpose of creating two lots by way of the proposed Parcel Map is to allow for future flexibility in the use and possible redevelopment of proposed Lot 2. The creation of Lot 2 allows more than one third of the total land area to exist independently of the proposed condominium and its Association, aside from the off-site parking covenant and related agreements. This proposed configuration offers the opportunity for future economic infill development which would be administered free and clear of the future condominium and its Association, thereby limiting the number of stakeholders.

Furthermore, by separating proposed Lot 2 from the balance of property and allowing it to be sold and no longer a part of Verizon property, the City will benefit from additional property tax revenues, as the current site is entirely taxed by the State Board of Equalization. Additional revenues will be generated in favor of the City through development permits, business licenses, other taxes, etc. – benefits that would not be realized if proposed Lot 2 were not created and remained as a part of the Condominium's common area.

Commercial Condominium

The draft condominium layout was developed based on:

- Sustaining and protecting the independent operation of the existing telecommunications switching facility
- Creating an "open" floor area configuration for proposed "surplus" units, therefore allowing flexibility in the future occupancy/use of same
- The efficient use of existing common area features such as hallways, restrooms, elevators, and stairways

As such, the draft condominium layout, as illustrated on the submitted plans, involves the creation of four units and associated common areas:

- Unit 1: comprised of the entire telecommunications switching facility, spanning from the basement level to the third floor, containing +/- 37,631 sf of floor area.
- Unit 2: comprised of the previously occupied office area located in the southern portion of the first floor, containing +/- 4,058 sf of floor area.
- Unit 3: comprised of the previously occupied office area located in the southern portion of the second floor, containing +/- 5,026 sf of floor area.
- Unit 4: comprised of the previously occupied office area located in the northern portion of the third floor, containing +/- 8,740 sf of floor area.

Upon the creation of the condominium, it is Verizon's intent to sell Units 2, 3, and 4 for future re-use/occupancy. Unit 1 will continue to be owned and operated by Verizon, providing telecommunications services to the City of Santa Barbara.

At this time there is no proposed re-use, occupancy, or redevelopment of proposed Lot 2 or proposed Units 2, 3, and 4. The purpose of this subdivision application and subsequent condominium is solely to legally configure and create the "surplus" property (proposed Lot 2 of the parcel map and Units 2, 3, and 4 of the condominium), allowing it to be sold to a third party and recycled in the future.

Exterior Modifications

As a result of the initial Development Application Review Team ("DART") comments, the subject application was revised to include exterior modifications to accommodate the Chapala Street Guidelines and Americans with Disabilities Act ("ADA") access guidelines. In addition, direction received by the Historic Landmark Commission results in the proposed landscape enhancement at the building façade along Canon Perdido and Chapala Streets.

Chapala Street Guidelines

Incorporation of the Chapala Street Guidelines into the subject application involves new landscaping and sidewalk modifications at the corner at Canon Perdido Street and Chapala Street and includes installing additional landscaping along the Chapala Street Frontage (as illustrated on the submitted Landscape Plan "L-1").

ADA Access

The City's Building and Safety Department requires that ADA compliant access be provided to the first floor lobby area through the existing Chapala Street entry to the building.

HLC Hearing

The Historic Landmark Commission ("HLC") reviewed the proposed exterior modifications associated with this project at their regular hearing on November 11, 2009. While the proposal was met with a favorable response and support, allowing the proposal to be heard by the Staff Hearing Officer, the HLC offered the following direction:

- Regarding the incorporation of the Chapala Street guidelines, concern was expressed relating to the proposed tree installation near the existing traffic signal at the corner.
 - In order to mitigate the concern, Verizon's landscape architect, Arcadia Studio, met with staff members from the City's Transportation Division and Parks Division on November 17, 2009 to discuss alternatives related to tree species and maintenance. An agreement was made, and same is illustrated and referred to on the submitted Landscape Plan ("L-1").
- Regarding the proposed handicapped access lift to comply with ADA standards, additional design consideration was requested.
 - While the proposed lift was deemed an acceptable means to provide for the ADA compliant access, the HLC directed Verizon to further investigate design alternatives to not just "hide" the modification, but incorporate the modification into the façade and take the opportunity to "enhance" the design. Verizon's architects are currently working on design alternatives that will not only satisfy ADA requirements, but also adhere to and express the guidelines of El Pueblo Viejo historic district.
- In addition to commenting on the proposed exterior changes, the HLC implied that the existing landscaping along the Canon Perdido Street and Chapala Street façades could be enhanced. As illustrated on the submitted Landscape Plan ("L-1"), Verizon proposes to improve the landscape areas with new planting to enrich the aesthetic appearance of the subject building.

Please note that there is no new exterior lighting proposed, no new use/operation that would involve the creation of smoke or odors, and no creation of new noise sources. As there is no development associated with this project, aside from the minor exterior improvements, no geotechnical studies, resource or constraint studies, or other formal studies have been conducted in preparation of this proposal. There are no existing or proposed designated recreational trails or easements traversing the project site, nor is the site located adjacent to or near a creek or other water course. There is no demolition proposed as part of the submitted application, nor does this project involve the use or disposal of hazardous materials.

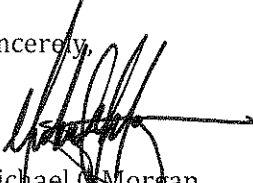
Conclusion

Verizon has extensively studied this site in order to reconfigure the subject property to allow for a more efficient and effective operation of the site and to best accommodate the future re-use and redevelopment of the underutilized portions of the subject property. Throughout the application process, Verizon and its consultants have worked diligently with the City of Santa Barbara to develop a proposal that is in line with the City's standards and expectations, making appropriate

modifications and improvements to the plans along the way to ensure the highest quality product as the result.

Upon approval of this tentative Parcel Map and subsequent commercial condominium, the site will not only accommodate Verizon's operational needs, but it will also provide for the future use of otherwise underutilized property at the site. These two factors will clearly be of benefit to both Verizon and to the City of Santa Barbara, as it seeks to promote continued growth in a sound, logical, and planned manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Morgan", with a long horizontal flourish extending to the right.

Michael G. Morgan
Director of Projects

CC: W. Wallace, Verizon
W. Igawa, Verizon

LEGAL DESCRIPTION

EXHIBIT "A"

THAT LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Adjusted Lot 1 of those portions of Parcels A and B of that certain Merger, in the City of Santa Barbara, County of Santa Barbara, State of California, recorded October 26, 2007 as Instrument No. 2007-0075811, Official Records of said County, described as follows:

Beginning at the most northerly corner of said Parcel A; thence along the Northwesterly line of said Parcel A, South 41°30'00" West, 149.59 feet;

thence leaving said Northwesterly line along the following courses:

South 48°30'30" East, 72.75 feet;

South 41°30'00" West, 4.60 feet;

South 48°30'00" East, 12.75 feet;

South 41°30'00" West, 12.50 feet;

South 48°30'00" East, 9.83 feet;

South 41°30'00" West, 29.32 feet;

South 48°30'00" East, 54.08 feet to the Southeasterly line of said Parcel A;

thence South 41°30'00" West, 98.60 feet along said Southeasterly line and its Southwesterly prolongation to the Southwesterly line of said Parcel A;

thence along said Southwesterly line, South 48°31'37" East, 19.62 feet to the Northwesterly line of said Parcel B;

thence along the boundary lines of said Parcel B, said lines also being shown on a Record of Survey filed in Book 174 Pages 75 of Records of Survey of said County, the following courses:

South 41°28'23" West, 147.99 feet;

South 48°31'37" East, 50.00 feet;

North 41°28'23" East, 200.08 feet;

South 48°30'26" East, 231.32 feet;

North 41°29'34" East, 109.46 feet;

North 62°39'47" West, 78.42 feet;

North 30°18'26" East, 19.57 feet;

North 48°29'34" West, 95.91 feet;

South 41°29'34" West, 6.99 feet;

North 48°31'33" West, 70.12 feet;

North 41°31'51" East, 140.03 feet;

North 48°29'34" West, 204.53 feet to the Point of Beginning

